

### **REMARKS**

Claims 21-53 are pending in the application, and independent claims 21 and 36 have been amended herein. Support for the amendments may be found, for example, in the embodiments depicted in Fig. 1A of the Application, described at paragraphs [0038-0045]. A Request for Continued Examination (RCE) is being submitted herewith to obtain entry and consideration of the amendments.

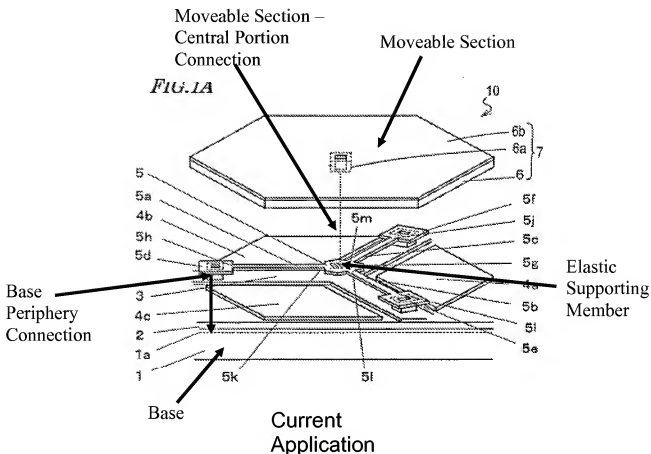
Favorable reconsideration of the application is respectfully requested in view of the claim amendments and following remarks.

#### ***I. Allowable Subject Matter***

Applicant again acknowledges the Examiner's conclusion that claims 26, 41, and 43 recite allowable subject matter. The Examiner objects to such claims as depending from a rejected base claim, but states these claims would be allowed if rewritten in independent form including the limitations of the base claim and any intervening claims. As further explained below, however, Applicant asserts these claims are patentable in their current form, and therefore the objections should be withdrawn.

#### ***II. Rejections Under 35 U.S.C. § 103(a)***

Independent claims 21 and 36 have been amended to recite in part that "the elastic supporting member is connected to an outer periphery of the base and is connected to a central portion of the moveable section." Fig. 1A of the application is reproduced below as representative of these features.

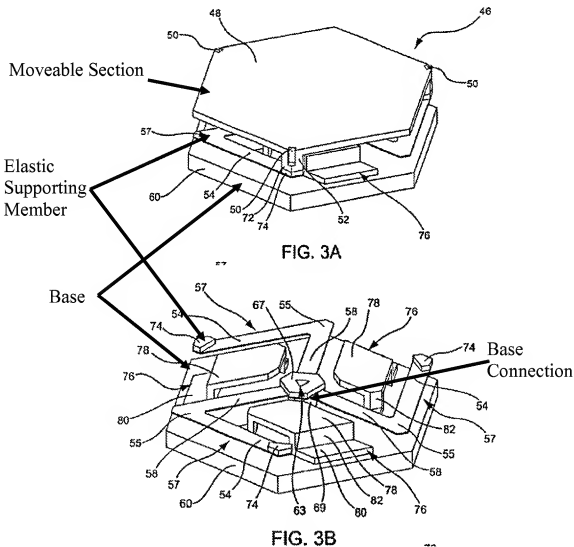


As seen in the above figure, the elastic supporting member 5 is connected (1) to the outer periphery of the base at elements 5d, 5e, and 5f (arrows shown as to 5d) and (2) the central portion of the moveable section (moveable electrode 6) at the connection of elements 6a and 5g. For example, the Application states elastic supporting member 5 includes “**fixture portions 5d to 5f for affixing** elastic beams 5a to 5c to the base 1.” (Application at paragraph [0041], emphasis added.) The Application also states a “support portion 5g is connected to a protrusion 6a **which is provided in a central portion of the moveable electrode 6.**” (Application at paragraph [0043], emphasis added.) This configuration results in the attainment of the desired force relationships in a simple and efficient manner. The references cited by the Examiner do not disclose or suggest the claimed structural configuration.

Claims 21-25, 27-34, 36-40, 42, 44-52 again stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Aubuchon, U.S. Patent No. 6,906,848 (Aubuchon), in view of Greywall, U.S. Patent No. 6,690,850 (Greywall). Claims 35 and

53 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Aubuchon and Greywall, and further in view of a more tertiary reference, Mushika, WO Publication No. 021061488 as partially translated as U.S. Patent No. 6,952,304 (Mushika). Indeed, aside from the Response to Arguments section of the Final Office Action, the rejections essentially are verbatim to the rejections in the previous Office Action.

The Examiner relies on Aubuchon as teaching the basic microactuator structure enabling vertical and tilt displacement relative to the base. The device of Aubuchon does not have the claimed configuration exemplified by Fig. 1A of the Application above. Figs. 3a and 3b of Aubuchon are reproduced below as representative.



Aubuchon

As seen in the above figures, in the device of Aubuchon, the purported elastic supporting member (hinge 57) is connected to the **outer periphery of the moveable section** (mirror 48) via at least elements 74, and **a central portion of base 60** via element 69. Comparing this configuration to Fig. 1A of the Application above, the configuration of the device of Aubuchon essentially **is opposite or reversed** to that of the claimed invention in the pertinent respects.

Aubuchon, therefore, does not disclose or suggest the following claim features: "the elastic supporting member is connected to an outer periphery of the base and is connected to a central portion of the moveable section." Greywall is cited by the Examiner as to specific features pertaining to the positioning of the elastic supporting member relative to the driving forces. Greywall would not be understood as disclosing or suggesting the deficiencies of Aubuchon. A combination of Aubuchon and Greywall, therefore, does not result in, disclose, or suggest the claimed invention, and claims 21-25, 27-34, 36-40, 42, 44-52 thus are not obvious over Aubuchon in view of Greywall. The tertiary reference also does not make up for the above deficiencies, and, therefore, claims 35 and 53 are patentable for at least the same reasons.

### **III. Conclusion**

For the foregoing reasons, claims 21-53 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to any outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Docket No. OKUDP0178US.

Respectfully submitted,

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DATE: October 26, 2009

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